

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

JULIUS GONZALEZ,

Plaintiff,

v.

EAGLE PARTS & PRODUCTS and  
HOME DEPOT U.S.A., INC.,

Defendants.

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MEMORANDUM AND ORDER

Before the court is the Report and Recommendation of United States Magistrate Judge Thomas D. Thalken (Filing No. 43) recommending that the plaintiff's Motion for Remand (Filing No. 32) be denied.

No objection has been filed to the Report and Recommendation. Pursuant to NECivR 72.3 and 28 U.S.C. § 636(b)(1)(C), the court has conducted a de novo review of the record and adopts the Report and Recommendation in its entirety.

THEREFORE, IT IS HEREBY ORDERED that:

1. The magistrate's Report and Recommendation (Filing No. 43) is adopted in its entirety.

2. The defendant's Motion to Remand (Filing No. 32) to Scotts Bluff County District Court is hereby denied.

Dated this 5<sup>th</sup> day of March, 2007.

BY THE COURT:

s/ Joseph F. Bataillon  
Chief Judge